

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)



Rec'd PCT/PTO 01 MAR 2005

Applicant's or agent's file reference OFX062BWO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/EP 03/09678	International filing date (day/month/year) 01.09.2003	Priority date (day/month/year) 03.09.2002
International Patent Classification (IPC) or both national classification and IPC A61B17/72		
Applicant PENNIG, Dietmar		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
 - ☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 2 sheets.

3. This report contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 31.03.2004	Date of completion of this report 21.01.2005
Name and mailing address of the international preliminary examining authority:  European Patent Office - Gitschiner Str. 103 D-10958 Berlin Tel. +49 30 25901 - 0 Fax: +49 30 25901 - 840	Authorized Officer Schultz, O Telephone No. +49 30 25901-566 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP 03/09678

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-11 as originally filed

Claims, Numbers

1-16 received on 28.12.2004 with letter of 23.12.2004

Drawings, Sheets

1/6-6/6 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

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International application No. **PCT/EP 03/09678**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-16
	No: Claims	
Inventive step (IS)	Yes: Claims	1-16
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-16
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

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- 1.1 The document D1 (FR 2 784 283 A) is regarded as being the closest prior art to the subject-matter of independent claim 1.

Document D1 (see fig. 1-5) discloses a nail and screw system whereby the nail is solid and provides a transversal hole with a pin crossing the center of the nail perpendicular to the axis of the hole. The said pin allows to transform the rotational movement of the screw into an axial movement of the screw and by doing so to fix the screw relative to the hole.

- 1.2 The problem to be solved by the present invention may be regarded to provide a nail screw system suitable for firmly keeping in place a screw inside a transversal hole of a cannulated nail (see page 3, lines 10-14).
- 1.3 The subject-matter of claim 1 differs from the nail and screw system known from D1 in that the nail is cannulated and in that the transversal hole has an internal partially threaded portion which is a portion of nut screw or a knurl portion.
- 1.4 None of the cited documents hint to the solution as defined in independent claim 1 in order to solve the problem posed.

The solution according to independent claim 1 of the present application is considered as being novel (Article 33(2) PCT), involving an inventive step (Article 33(3) PCT) and being industrially applicable (Article 33(4) PCT).

Claims 2 to 16 are dependent on claim 1. Therefore, they are also considered as being novel (Article 33(2) PCT), involving an inventive step (Article 33(3) PCT) and being industrially applicable (Article 33(4) PCT).

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